

Message Text

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ACTION EUR-25

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H-03 INR-10 L-03 NSAE-00 NSC-07 PA-04 RSC-01 PRS-01

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TAGS: PBOR, PFOR, CA

SUBJECT: LAW OF THE SEA: FOREIGN MINISTER SHARP'S TESTIMONY
BEFORE SENATE COMMITTEE STUDYING CANADA-US RELATIONS

PART 3 OF 3

REF: OTTAWA 0945 AND 0946

1. IN HIS PREPARED STATEMENT BEFORE THE SENATE COMMITTEE
ON FOREIGN AFFAIRS, MARCH 28, AS THE LEAD-OFF WITNESS FOR
A MAJOR STUDY OF CANADA-US RELATIONS, THE SECRETARY OF
STATE FOR EXTERNAL AFFAIRS, MITCHELL SHARP USED THE
UPCOMING LAW OF THE SEA CONFERENCE AS AN EXAMPLE OF A
MULTILATERAL QUESTION IN WHICH CANADA OPPOSES THE US.
DURING THE TWO-HOUR QUESTION PERIOD WHICH FOLLOWED, THE
LAW OF THE SEA IN THE CONTEXT OF
US-CANADA RELATIONS, WAS ONE OF THE MAJOR TOPICS DISCUSSED.
A SUMMARY OF THE MINISTER'S COMMENTS FOLLOWS.

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2. ARCTIC ISLANDS. US HAS NEVER CHALLENGED CANADIAN SOVEREIGNTY OF THE ARCTIC ISLANDS OR WATERS BETWEEN BUT IT HAS NOT ACKNOWLEDGED CANADIAN CLAIMS.

3. NORTHWEST PASSAGE. CANADA DOES NOT RECOGNIZE THAT THERE IS A NORTHWEST PASSAGE. HISTORICALLY, HE ARGUED IT HAS NEVER BEEN USED AS A PASSAGE SO HOW CAN THERE BE AN INTERNATIONAL RIGHT TO USE.

4. 100-MILE ZONE. US DOES NOT RECOGNIZE CANADA'S UNILATERAL 100-MILE ZONE BUT NEITHER HAS IT CHALLENGED IT.

5. 200-MILE ZONE. SHARP SAID HE DOES NOT KNOW WHERE THE US STANDS OF THE 200-MILE ZONE. HE OBSERVED THAT THERE IS CONSIDERABLE INTERNATIONAL MOVEMENT TOWARD THIS CONCEPT. HE SAID CANADA DOES NOT CLAIM SOVEREIGNTY BUT CLAIMS AUTHORITY TO MANAGE THE CONSERVATION AND EXPLOITATION OF RESOURCES, INCLUDING SCIENTIFIC RESEARCH, OF THE AREA ADJOINING ITS COASTS ENCOMPASSING 200-MILES OUT PLUS THE CONTINENTAL SHELF WHICHEVER IS GREATER. RESPONDING TO QUESTIONS ABOUT THE DIFFERENCE IN CANADIAN "CONTROL" OF 200 MILES AND THE CONTINENTAL SHELF AND "SOVEREIGNTY," SHARP SAID CANADA DOES NOT MEAN THE SAME CHARACTERISTIC AS TERRITORIAL SEA WHERE A COUNTRY CONTROLS EVERYTHING. CANADA IS NOT SEEKING THE SAME CONTROL BUT IS SEEKING THE RIGHT TO REGULATE ALL FISHING AND EXPLOITATION OF RESOURCES IN THAT AREA. CANADA IS NOT SUGGESTING THAT SHIPS SAILING THROUGH ITS 200-MILE ZONE WOULD BE REGULATED IN THE SAME MANNER AS SHIPS SAILING WITHIN ITS 12-MILE TERRITORIAL SEA BUT ONLY THE REGULATION OF THOSE VESSELS ENGAGED IN FISHING, SCIENTIFIC RESEARCH OR EXPLOITATION OF OTHER RESOURCES.

6. CANADIAN POSITION HARMFUL TO LDCS?: IN RESPONDING TO A QUESTION FROM SENATOR GROSART THAT CANADA IN EXTENDING ITS CLAIMS TO INCLUDE 200 MILES AND THE CONTINENTAL SHELF, CANADA WAS DENYING THE LESS DEVELOPED COUNTRIES ACCESS TO THE LAST GREAT RESOURCE OF FOOD, SHARP SAID THAT "IN PROTECTING THE SOURCES OF FOOD FOR OURSELVES, LIMITED OFFICIAL USE

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WE ARE PROTECTING FOOD FOR MANKIND." HE ALSO SAID THAT CANADA IS A STRONG SUPPORTER OF THE PROPOSITION THAT RESOURCES BEYOND THE CONTINENTAL SHELF SHOULD BE FOR THE COMMON USE OF MANKIND.

7. LAW OF THE SEA CONFERENCE. SHARP EXPECTED THAT CANADA WOULD HAVE DIFFERENCES WITH THE US. HE SAID THE MARITIME POWERS WANT UNRESTRICTED PASSAGE BEYOND 12 MILES. WHILE

THE US MAY BE OUTNUMBERED BY CANADA AND OTHER COUNTRIES
WHICH SHARE CANADA'S POINT OF VIEW, SHARP POINTED OUT TO
INQUIRING SENATORS THAT AT AN INTERNATIONAL CONFERENCE
SUCH AS THE LW OF THE SEA, IT IS NOT ONLY NUMBERS THAT COUNT,
BUT ACCEPTANCE. IT IS FOR THIS REASON THAT THE CONFEREES
HAVE AGREED TO RESORT TO THE RULE OF CONSENSUS AT CARACAS.
SHARP SAID INTERNATIONAL CONFERENCES CANNOT IMPOSE RULES
ON RELUCTANT GREAT POWERS. END OF PART 3 OF 3 TELEGRAMS.
PORTER

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